IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4310 OF 2005

Mr. N. Biswas & Anr. ...Applicants

Vs.

The State of Maharashtra & Anr. ...Respondents

Mr.Shirish Gupte, Snr. Counsel with Mr. P.D. Desai for
the Applicant.
Ms. M.M. Deshmukh A.P.P. for the Respondent No.1.
Mr. D.N. Salvi for the Respondent No.2.

CORAM : A. S. OKA, J.
DATED : JULY 07, 2005.

P.C.:

1. Not on board. Taken on board. Shri. Salvi appears for the Respondent No.2 and the learned A.P.P. appears for the Respondent No.1.

2. Shri. Salvi appearing for the Respondent No.2 raised preliminary objection. He submitted that the Application for Anticipatory Bail ought to have been filed by the Applicants in the appropriate court in the State of Gujarat and this Court has no jurisdiction to entertain this Application. Shri. Gupte, learned Senior Counsel appearing for the Applicants states that Application was filed in this court as apprehension of the Applicants was that they will be arrested while they were in Mumbai. He, however, states that the Applicants may be protected only for a limited period to enable them to approach

appropriate court in the State of Gujarat for claiming relief of Anticipatory Bail.

3. Learned Counsel appearing for the Respondent No.2 stated that the Applicants can be protected at highest for a limited period of seven days subject to condition that the Applicants will appear tomorrow before the concerned Investigating Agency at Ahemdabad. Shri. Gupte, learned Senior Counsel appearing for the Applicants stated that the Applicants have already received the summons to appear before the Investigating Agency and tomorrow Applicants will appear before the Investigating Agency.

4. In view of the submissions made by the Counsel appearing for the parties, the Application is disposed of by passing the following order:

: O R D E R :

i) To enable the Applicants to file appropriate application before the appropriate court in the State of Gujarat, for a period of one week from today the Applicant shall not be arrested in connection with case No./ C.R.No.NCB-AZU-CR-No.2 of 2005 subject to condition that the Applicants will appear before the

Investigating Agency tomorrow at Ahemdabad and will appear before the same Agency as and when called upon to do so and will co-operate for investigation.

ii) In case of any breach committed by the Applicants, liberty to Respondent No.2 to apply.

iii) It is obvious that the Application made by the Applicants before the appropriate court in the State of Gujarat will be decided on its own merits without being influenced by grant of protection by this Court.

iv) Parties to act upon an authenticated copy of this order.

JUDGE